

Joshua J.C. Ulloa
Fed. Reg. No. 02758-093
Federal Correctional Institution Yazoo
(Satellite Camp)
P.O. Box 5000
Yazoo City, MS 39194

FILED
DISTRICT COURT OF GUAM

JUL 26 2011

Pro-Se.

JEANNE G. QUINATA
CLERK OF COURT

UNITED STATES DISTRICT COURT OF GUAM

UNITED STATES OF AMERICA,)	
Plaintiff,)	Civil No. 10-00028; 10-00029.
)	Criminal No. 07-00111; 0800013.
)	
vs.)	
)	
)	
JOSHUA J.C. ULLOA,)	(Hon. Chief, Judge Tydingco-Gatewood)
Defendant.)	
)	

PETITIONER'S REPLY TO ORDER TO SHOW CAUSE

COMES NOW, Defendant Joshua J.C. Ulloa, (Hereinafter "Ulloa"), proceeding pro-se, an incarcerated federal prisoner presently housed at the Federal Correctional Institution Yazoo (Satellite Camp), located in Yazoo City, Mississippi, hereby moves this Honorable Court to grant the 28 U.S.C. §2255 motion to proceed forward after review of the instant reply.

Mr. Ulloa is serving a (87) month term of imprisonment for a conviction of Drug User In Possession of a Firearm (Count 1), in violation of 18 U.S.C. §922 (G) (3) and 18 U.S.C. §924 (A) (2); Conspiracy To Manufacture Methamphetamine 21 U.S.C. §841 (A) (1) and 18 U.S.C. §846.

Mr. Ulloa respectfully files the instant reply to the district court's order to show cause issued on April 13, 2011. (**Doc. 58, Order To Show Cause**). The following facts with supporting exhibits will demonstrate the timely filing pursuant to 28 U.S.C. §2255 (f)'s one year statutory limitation. Pleading presented by pro-se

litigants should be construed more liberally than if counsel drafted them. Haines v. Kerner, 520, 92 S. Ct. 594, 30 L.Ed 2d. 652 (1972).

Statement of Fact

1. On June 2, 2010, Mr. Ulloa completed and signed a form styled Motion To Vacate Set Aside, or Correct Sentence under 28 U.S.C. § 2255. The form styled § 2255 motion set forth the general issues, and acknowledged a forthcoming brief in supporting filing. (Case Docket #1:08-cr-00013; Entry 148, § 2255 Form Motion).
 2. On June 3, 2010, at 5:56 a.m., Mr. Ulloa provided the USP Lompoc (L-Unit) officer a sealed pre-postage affixed envelope addressed to the United States District Court's Clerk of Court with a copy of the § 2255 from motion enclosed. The legal mail was provided to the officer in accordance with legal mail procedures established by institutional officials.¹ (Doc. 148, § 2255 Form Motion & Certificate of Service), (Doc. 52, § 2255 Form Motion).
 3. On June 9, 2010, at 6:00 a.m. (approximately seven days later) Mr. Ulloa provided USP Lompoc (L-Unit) officer a sealed pre-paid postage affixed envelope to the United States District Court's Clerk of Court with three copies of a brief in support of his 28 U.S.C. § 2255 motion. This legal mail was provided to the officer in accordance with legal mail procedures. (Doc. 148, § 2255 Brief In Support), (Doc. 52, § 2255 Form Motion).
 4. On or about November 9, 2010., Mr. Ulloa received a filed copy of the § 2255 Form Motion from the pro-se clerk of court for the United States District of Guam. (Doc. , Correspondence From Clerk). Mr. Ulloa immediately forwarded an inquiry letter to the pro-se clerk of court in reference to the filing delay. (Doc. , Correspondence To Clerk).
-
- 1/ The Federal Bureau of Prison permits each institution to establish internal legal mail procedures for the processing of legal mail. Each institutions procedure differ from other institutions. However, the (24) hour mail processing rule is mandated by FBOP PS #5100.10 (mail Management Manual) are the same for all federal institutions.
- / Mr. Ulloa has two docket case numbers, there is considerable confusing on citing docket entries.

5. On or about November 22-25, 2010., the pro-se clerk responded with a letter, and photo copy of the post marked envelope. (Doc. , Correspondence From Clerk).
6. On November 29, 2010., after concluding the delay occurred with USP Lompoc staff, Mr. Ulloa immediately filed a complaint through the administrative remedy procedure. (Exh. A, BP-8 Informal Resolution).
7. On December 7, 2010., USP Lompoc Counselor M. Wilfing responded to the BP-8 Informal Resolution stating in pertinent part that the mailroom does not maintain an outgoing legal mail log book. (Exh. A, BP-8 Informal Resolution Response).
8. On December 10, 2010., Mr. Ulloa filed a BP-9 Complaint through the administrative remedy procedure claiming USP Lompoc staff violated the Federal Bureau of Prison Policy Statement #5100.10 (Mail Management) by not forwarding the said legal mail within the (24) hour permissible time frame. (Exh. B, BP-9 Complaint).
9. On December 22, 2010., the administrative remedy coordinator rejected remedy identification number 619699, as untimely on the basis of the BP-9 complaint not being filed within (20) days of incident. (Exh. C, Rejection Notice).
10. On January 5, 2010., Mr. Ulloa forwarded another inmate request to the administrative remedy coordinator in relation to the complaint being timely filed from the date of receipt from the clerk of court. (Exh. D, Inmate Request).
11. On January 11, 2011., Administrative Remedy Coordinator Melinda Clark again rejected Mr. Ulloa's attempt to explain and re-file the BP-9. In addition, Ms. Clark confirmed that USP Lompoc does not maintain a legal mail log book. (Exh. E-1, E-2, Response To Inmate Request).
12. On January 10, 2011., Mr. Ulloa attempted to appeal USP Lompoc's decision to the Western Regional Office. The Regional Director summarily affirmed the rejection. (Exh. F, BP-10 Complaint), (Exh. G, Rejection Notice).

12. On January 20, 2010., Mr. Ulloa filed a BP-11 complaint with the Federal Bureau of prison (Central Office) reiterating the violations of USP Lompoc staff. On April 29, 2011., the Central Office rejected Mr. Ulloa's filing as untimely. (Exh. H, BP-11 Complaint), (Exh. I, Central Office Rejection Notice).

Issue

II. MR. ULLOA'S 28 U.S.C. § 2255 FORM MOTION PROVIDED TO PRISON AUTHORITIES BEFORE THE ONE YEAR STATUTORY AEDPA LIMITATION IS DEEMED TIMELY FILED IN ACCORDANCE TO THE SUPREME COURT'S MAILBOX RULE

A. Standard of Review:

In Houston v. Lack, the Supreme Court held that a pro-se habeas petitioner's notice of appeal is deemed filed on the date of its submission to prison authorities for mailing. Houston v. Lack, 487 U.S. 266, 276, 108 S. Ct. 2379, 2385, 101 L.Ed. 2d. 245 (1988). Under the "mailbox rule," which "applies to federal and state petitions alike [,]". Campbell v. Henry, 614 F.3d 1056, 1059 (9th Cir. 2010); Ramirez v. Yates, 571 F.3d 993, 996 n.1 (9th Cir. 2009); Jenkins v. Johnson, 330 F.3d 1146, 1149 n.2 (9th Cir. 2003), overruled on other grounds by Pace v. DiGulio-Imo, 544 U.S. 408, 125 S. Ct. 1807, 161 L. Ed. 2d 996 (2005).

B. Legal Discussion:

i. Timeliness of Habeas Filing:

The district court's order to show cause is to discern the timeliness of the § 2255 motion formly filed in the Clerks Office on November 1, 2010. (Doc. 148, § 2255 Form Motion). Mr. Ulloa presents evidence indicating the extraordinary delay in prison authorities posting the legal mail stems from deficiencies, gross negligences, and lack of accountability in the mail processing chain. ²

2/ Lompoc Federal Complex is composed of four facilities. All mail functions are consolidate through the FCC Low for cost efficiency. At the time Mr. Ulloa provided the initial § 2255 form motion to prison officials he was housed at USP Lompoc.

Mr. Ulloa contends his § 2255 Form Motion was provided to prison authorities on June 3, 2010, for posting with the United States Postal Service in accordance with legal mail procedures established by USP Lompoc officials.³ Mr. Ulloa contends timely providing the § 2255 Form Motion to prison authorities devoids him of liability. Under the "mailbox rule" which applies to federal and state petitions, the habeas § 2255 motion is deemed filed at the moment Mr. Ulloa delivered it to prison authorities for forwarding to the clerk of courts, not when the petition is filed by the Court. Ramirez v. Yates, 571 F.3d 993, 996 n.1 (9th Cir. 2009) (internal quotation marks and citation omitted).

To benefit from the mailbox rule, Mr. Ulloa must meet two requirements. First, Mr. Ulloa must be proceeding without counsel. Second, Mr. Ulloa must have delivered the petition to prison authorities for forwarding to the Court within the limitation period. Here only the second requirment is in question.

As stated above, Mr. Ulloa provided the § 2255 motion to prison authorities for forwarding to the Clerk of Court on June 3, 2010. Exactly ten days before the statutory limitation expired for filing. In November of 2010, after receiving a filed copy of the § 2255 motion, a inquiry correspondence to discern the orgin of delay. (Criminal Docket 1:08-cr-00013, Entry 147).⁴

Shortly thereafter, Mr. Ulloa initiated the filing of an administrative remedy complaint against USP Lompoc prison officials for violation of the FBOP Policy Statement for § 5100.10 (Mail Management). Essentially this complaint addressed the delayed legal mail processing of Mr. Ulloa's § 2255 Form Motion. Counselor Wilfing's BP-8 Informal Resolution Response informed Mr. Ulloa that USP Lompoc does not maintain a legal mail log book. Subsequent administrative remedy filings were barred as untimely. (Exh. A thru. I, Administrative Remedy Complaints, Correspondences, & Rejections).

3/ Citing docket number 1:07-cr-00111-1, Entry #47, the district court sentenced Mr. Ulloa on June 4, 2009. The Court entered the Judgment & Commitment Order on June 11, 2009. (Doc. 48, Judgment & Commitment Order).

4/ There are two docket case numbers in Mr. Ulloa's case, although confusing some entries are not listed on docket number 1:07-cr-00111-01. Therefore, docket number 1:08-cr-00013 has been cited above.

From the date Mr. Ulloa received a file copy of the § 2255 Form Motion from the Pro-Se Clerk of Court his actions demonstrate diligences in seeking the origin of delay, and addressing the matter. The exhibits cited as administrative remedy complaint filings are indicative of his attempt to address prison authorities deficiencies in a grossly inadequate legal mail processing chain, only to be time barred. These extraordinary circumstances which Mr. Ulloa could not control caused a delayed filing of the § 2255 Form Motion in the Clerk of Courts Office. Miller v. Sumner, 921 F.2d 202, 203 (9th Cir. 1990); See: Houston v. Lack, 487 U.S. at 271, 108 S. Ct. at 2382.

The Ninth Circuit has applied the "mailbox rule" to state and federal petitions in order to calculate the tolling provisions of the AEDPA. In the absence of evidence to the contrary, a petition may be deemed delivered to prison authorities on the day the petition was signed. Safford v. Newland, 250 F.3d 1262, 1268-1269 (9th Cir. 2000); Porter III v. Ollison, 620 F.3d 952, 955 n. 2 (9th Cir. 2010, as amended 2010 U.S. App. LEXIS 18184, August 26, 2010).

In the case in chief, there is no evidence contradicting the fact that Mr. Ulloa provide prison authorities his § 2255 Form Motion on June 3, 2010. Absent any evidence to the contrary Mr. Ulloa respectfully ask this Court to treat June 3, 2010, as the constructive filing date. In fact, June 3, 2010, is the earliest date in which the motion could have been provide to prison authorities for forwarding. Jenkins v. Johnson, 330 F.3d 1146, 1149 n. 2 (9th Cir. 2003).

In conclusion, Mr. Ulloa respectfully ask the Court to treat June 3, 2010, as the constructive filing date, and permit the § 2255 motion to proceed.

5/ As a safety precaution Mr. Ulloa's paralegal always places the start and complete date on the top of the petition or in the back. A review of the motion should show a completion date of June 2, 2010. (Doc. 148, § 2255 Form Motion). Lastly, USP Lompoc's legal procedure permits inmates to provide unit officers legal mail Mon-Fri, between 5:45 a.m. and 6:30 a.m. only. Therefore, June 3, 2010, could have been the earliest date in which the motion could be provided to authorities.

II. MR. ULLOA RESPECTFULLY REQUEST RECONSIDERATION OF HIS MOTION FOR PRODUCTION OF DOCUMENTS IF THE COURT FINDS THE CONSTRUCTIVE FILING DATE TIMELY

A. Standard of Review:

In United States v. McCollom, 426 U.S. 317, 326, 96 S. Ct. 2086, 48 L.Ed. 2d. 666 (1976), the Supreme Court upheld 28 U.S.C. § 753(h), which allowed a free copy of transcripts for federal habeas petitioner who demonstrated the petition was not frivolous and was necessary to its disposition. In addition, documents and/or transcripts are only provided at government expense upon a particularized need for the documents which are necessary to decided issues in non-frivolous pending cases. *Id.* at 323-330. See also: United States v. Van Poyck, 980 F. Supp. 1108, 1111 n. 2 (C.D. Cal. 1997); United States ex rel. Davidson v. Wilkinson, 618 F.2d 1215, 1219 (7th Cir. 1980) ("Once a § 2255 motion is filed, 28 U.S.C. § 753(f) provides the funds for a transcript....")

B. Legal Discussion:

The reconsideration for production of documents may only be considered if this Court deems the constructive filing date in favor of Mr. Ulloa. Otherwise this request may be considered moot.

Mr. Ulloa argues that the Rule 11 Colloquy, and Sentencing Transcripts are pertinent to him demonstrating counsel's uncontroverted ineffective assistance in failing to object to a (14) level enhancement in violation of the double jeopardy provisions after having been convicted of the same offenses in the Superior Court of Guam.

Under applicable statute 28 U.S.C. § 753(f), the district court is not authorized to order payment for transcripts before a defendant has filed a section 2255 motion raising non-frivolous issues that require a transcript for judicial review. United States v. McCollom, 426 U.S. 317, 321, 48 L.Ed. 2d 666, 96 S. Ct. 2086 (1976).

If this Court deems the evidence supporting Mr. Ulloa's constructive filing date creditable then this Court is asked to grant the previously filed Motion For Production of Documents that fall within the narrow exceptions that are contemplated by § 753(f), which describe the procedure for obtaining transcripts at government expense in the context of criminal or habeas proceedings. See: 28 U.S.C. § 753(f).

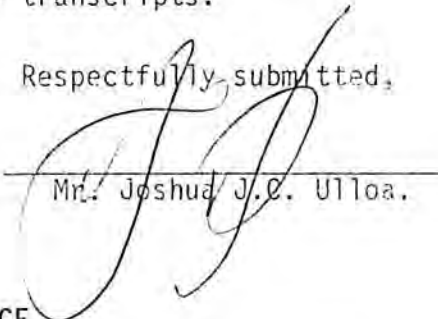
In conclusion, Mr. Ulloa respectfully ask this Court to grant his request for reconsideration of production of documents.

CONCLUSION

WHEREFORE, the foregoing Mr. Ulloa respectfully prays this Court permit the § 2255 motion to proceed, and grant his request for transcripts.

Date: July 15, 2011.

Respectfully submitted,

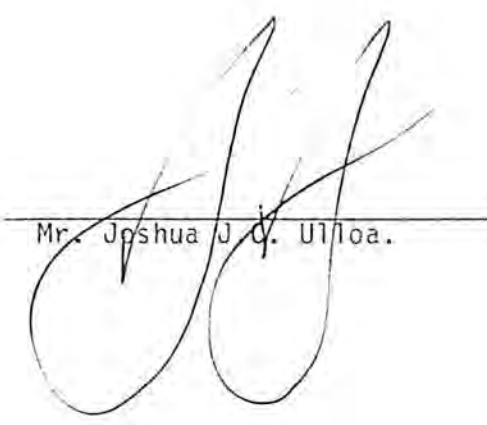

Mr. Joshua J.C. Ulloa.

CERTIFICATE OF SERVICE

I, Joshua J.C. Ulloa, declare that under penalty of perjury a true and correct copy of the enclosed Petitioner's Reply To Order To Show Cause has been forwarded to the parties listed below.

United States Attorney's Office
Attn: AUSA Rosetta San Nicolas
Suite 500, Sirena Plaza
108 Hernan Cortez Avenue.
Hagatna, Guam 96910

Date: July 15, 2011.


Mr. Joshua J.C. Ulloa.

Joshua J.C. Ulloa
Reg. No. 02758-093
Federal Correctional Institution Yazoo
(Satellite Camp)
P.O. Box 5000
Yazoo City, MS 39194

Pro-Se.

UNITED STATES DISTRICT COURT OF GUAM

UNITED STATES OF AMERICA,)	
Plaintiff,)	Civil No. 10-00028; 10-00029.
)	Criminal No. 07-00111; 0800013.
)	
vs.)	
)	
)	
JOSHUA J.C. ULLOA,)	(Hon. Chief Judge Tydingco-Gatewood)
Defendant.)	
_____)	

APPENDIX

(EXHIBITS A thru. I)

EXHIBIT (A)

UNIT MANAGER: _____ DATE: 12/7/10

EXHIBIT (B)

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Ulloa, Joshua, J.C. 02758-093 L USP LOMPOC
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST The instant BP-9 is being filed to address USP LOMPOC's staff of untimely forwarding time sensitive legal mail provided to L-Unit officers for forwarding to the District Court of Guam on June 3, 2010. Inmate Ulloa contends officers mishandled his "Special Mail" filing to the District Court of Guam in violation of BOP Policy Statement §5800.10 Mail Management which ultimately created a lapse in the filing of the motion to the U.S. District Court.

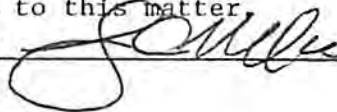
STATEMENT OF CASE

On June 1, 2010, Inmate Ulloa began a legal document which was completed and copied on June 2, 2010. Ulloa provided the documents to the morning L-Unit officer on June 3, 2010, and presumed they would be forwarded according to policy. On November 7, 2010, Ulloa received a stamped copy, and letter from the clerk of court. Immediately, thereafter Ulloa filed a BP-8; Informal Resolution to pursue the violation of BOP Policy by USP LOMPOC staff.

BOP POLICY

BOP POLICY STATEMENT §5800.10 Mail Management Manual states: Inmate correspondence shall ordinarily be processed and delivered within 24 hours. Special Mail and Legal Mail are afforded priority and every reasonable effort shall be made to assure delivery of Special Mail within 24 hours. Delivery time is essential in the filing of court documents or other legal papers, therefore mail room staff, as well as staff making the delivery must adhere to delivery time frames for special mail.

ARGUMENT

In the case-in-chief, Ulloa provided the mail to the unit officer, ~~whereupon~~ ^{DATE} ~~the "Special Mail or Legal Mail" was delayed, or misplaced. This resulted in an extended of Ulloa's case which may not effect his case, but is definitely a violation of BOP Policy which should be corrected. Mr. Ulloa request a copy of the mail log as confirmation for his filing being mailed on June 3, 2010. Your time is greatly appreciated in respects to this matter.~~ ^{SIGNATURE OF REQUESTER}
December 10, 2010. /s/ 

RECEIVED

DEC 22 2010

LEGAL DEPARTMENT
FCC LOMPOC

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 619699F1

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____


DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

EXHIBIT (C)

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: DECEMBER 22, 2010



FROM: ADMINISTRATIVE REMEDY COORDINATOR
LOMPOC FCI

TO : JOSHUA J C ULLOA, 02758-093
LOMPOC FCI UNT: B QTR: K02-011U
3600 GUARD ROAD
LOMPOC, CA 93436

FOR THE REASONS LISTED BELOW, THIS ADMINISTRATIVE REMEDY REQUEST
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 619699-F1 ADMINISTRATIVE REMEDY REQUEST
DATE RECEIVED : DECEMBER 22, 2010
SUBJECT 1 : SPECIAL/LEGAL MAIL
SUBJECT 2 : OTHER COMPLAINT AGAINST STAFF
INCIDENT RPT NO:

REJECT REASON 1: YOUR REQUEST IS UNTIMELY. INSTITUTION AND CCC REQUESTS
(BP-09) MUST BE RECEIVED W/20 DAYS OF THE EVENT COMPLAINED
ABOUT.

REMARKS : ALLEGES STAFF FORWARDING SENS. LEGAL MAIL TIMELY
SEEKS COPIES OF LOG BOOK

EXHIBIT (D)

RECEIVED

P-S148.055 INMATE REQUEST TO STAFF CDFRM

SEP 98

U.S. DEPARTMENT OF JUSTICE

JAN 9 2011 FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) Ms. Nodle (Administrative Remedy Coordinator)	DATE: January 05, 2011.
FROM: Joshua Ulloa	REGISTER NO.: 02758-093
WORK ASSIGNMENT: Unassigned	UNIT:

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

Dear Ms. Nodle; Several days ago, I forwarded a letter to your office explaining why my administrative remedy was timely filed. In your response you stated that, since I'd discovered the error on November 1, 2010, and didn't file the BP-8 $\frac{1}{2}$ until November 29, 2010 my appeal was untimely. I would like to provide you with the correct information. The motion was filed by the court on November 1, 2010, the clerk of court forwarded a copy of the stamp motion from Guam the following day. Mail from Guam takes at least (10) days to reach the United States (California). After receiving the motion, I immediately filed the BP-8 $\frac{1}{2}$. Therefore, the theory that I discovered the information on November 1, 2010, on the same day it was stamped by the court is incorrect, and I would respectfully ask for permission for my appeal to be timely. For record purposes, I received the motion from the district court of Guam on December 13, 2010. I thank you for your time in respects to this matter.

(Do not write below this line)

DISPOSITION:

See the attached response

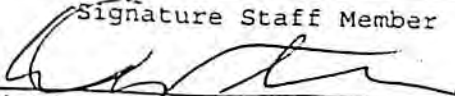
Signature Staff Member 	Date 1/12/11
Record Copy - File; Copy - Inmate	

EXHIBIT (E)

RESPONSE TO INMATE REQUEST TO STAFF MEMBER

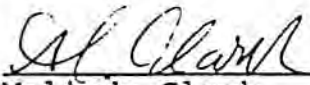
INMATE NAME: ULLOA, Joshua *K-2* REGISTER NUMBER: 02758-093

HOUSING UNIT: FCI/K Unit DATE OF REQUEST: 12-28-2010

This is in response to your Inmate Request to Staff Member, dated December 28, 2010, in which you request a re-review of a rejected Administrative Remedy 619699-F1, for being filed untimely.

A review of this matter reveals the following. Administrative Remedy 619699-F1 was received by this office on December 22, 2010. You became aware of the incident from the clerk of the court on November 7, 2010. You filed an informal resolution with your counselor on November 29, 2010, regarding this issue. Based on the date you became aware of the incident and the date you filed an informal resolution is over the 20 day period. Your Request for Administrative Remedy is considered untimely.

I trust this addresses your concerns.



Melinda Clark,
Administrative Remedy Coordinator

1/3/10

Date

RESPONSE TO INMATE REQUEST TO STAFF

NAME: ULLOA, Joshua

REGISTER NUMBER: 02758-093

HOUSING UNIT: FCI/K Unit

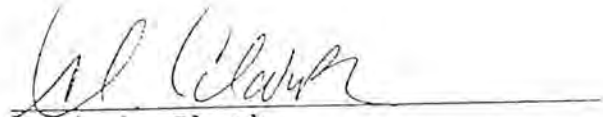
DATE OF REQUEST: 01-05-2011

This is in response to your Inmate Request to Staff Member, received on January 9, 2011, requesting reconsideration for your Request for Administrative Remedy 619699-F1, which was rejected for being untimely. The rejection was based on the dates you provided along with the dated documentation.

In this request for re-review, you specify an error was made and clarified you received the motion from the district court of Guam on "December 13, 2010," which is past the date of the initial Informal Resolution, dated November 29, 2010, and signed by staff on December 7, 2010. These continued contradictions in dates offer no compelling reason to warrant an exception to policy.

Additionally, as provided in the Informal Resolution, the relief you seek for a copy of the legal mail log is not feasible due to the mail room only maintaining a log for certified correspondence.

I trust this response has addressed your concerns.



Melinda Clark,
Administrative Remedy Coordinator

1/11/2011
Date

EXHIBIT (F)

U.S. Department of Justice

Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

From: Ulloa, Joshua, J.C. 02758-093 K02-011U FCI LOMPOC
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A—REASON FOR APPEAL The instant BP-10 is being to address the Warden's denial of Ulloa's time sensitive legal mail provided to USP LOMPOC staff/officers for forwarding to the District Court of Guam on June 3, 2010. Inmate Ulloa contends officers mishandled his "Special Mail" filing to the District Court of Guam in violation of BOP Policy Statement §5800.10 Mail Management which ultimately created a lapse in the filing of the motion to the U.S. District Court.

STATEMENT OF CASE

On June 1, 2010, Inmate Ulloa began a legal document which was completed and copied on June 2010. Ulloa provided the documents to the morning L-Unit officer on June 3, 2010, and presumed they would be forwarded according to policy. On November 7, 2010, Ulloa received a stamp copy, and letter from the clerk of court. Immediately, thereafter Ulloa filed a BP-8½ Informal Resolution to pursue the violation of BOP Policy by USP LOMPOC staff.

BOP POLICY

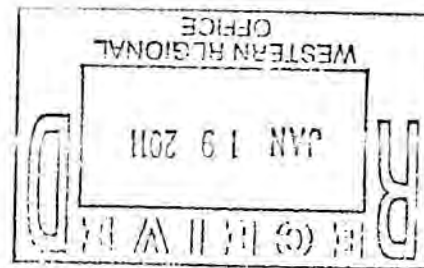
BOP POLICY STATEMENT §5800.10 Mail Management Manual states: Inmate correspondence shall ordinarily be processed and delivered within 24 hours. Special Mail and/or Legal Mail are afforded priority and every effort shall be made to ensure delivery within 24 hours. Delivery time is essential in the filing of court documents. In the case in chief, after Ulloa provided the special mail L-Unit officer, somewhere in the mail chain a disruption occurred creating a lapse in the filing of Ulloa's legal mail. Ulloa respectfully files the complaint against officers for delaying the process of his legal mail.

XX

January 10th 2011

SIGNATURE OF REQUESTOR

Part B—RESPONSE



DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 619699-B

Part C—RECEIPT

CASE NUMBER: _____

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

EXHIBIT (G)

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: FEBRUARY 3, 2011

Harlan W. Penn

FROM: ADMINISTRATIVE REMEDY COORDINATOR
WESTERN REGIONAL OFFICE

TO : JOSHUA J C ULLOA, 02758-093
LOMPOC FCI UNT: B QTR: K02-011U
3600 GUARD ROAD
LOMPOC, CA 93436

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 619699-R1 REGIONAL APPEAL
DATE RECEIVED : JANUARY 19, 2011
SUBJECT 1 : SPECIAL/LEGAL MAIL
SUBJECT 2 : OTHER COMPLAINT AGAINST STAFF
INCIDENT RPT NO:

REJECT REASON 1: YOUR REQUEST IS UNTIMELY. INSTITUTION AND CCC REQUESTS
(BP-09) MUST BE RECEIVED W/20 DAYS OF THE EVENT COMPLAINED
ABOUT.

REMARKS : ALLEGES STAFF FORWARDING SENS. LEGAL MAIL TIMELY
SEEKS COPIES OF LOG BOOK

EXHIBIT (H)

From: Ulloa, Joshua J.C. 02758-093 K02-011U FIC LOMPOC
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A—REASON FOR APPEAL The instant BP-11 is being filed to address the Regional's denial of Ull time sensitive legal mail provided to USP LOMPOC staff/officers for forwarding to the District Court of Guam on June 3, 2010. Inmate Ulloa contends officers mishandled his "Special Mail" filing to the District Court of Guam in violation of BOP Policy Statement §5800.10 Mail Management which ultimately created a lapse in the filing of the motion to the U.S. District Court.

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On June 1, 2010, Inmate Ulloa began a legal document which was completed and copied on June 2, 2010. Ulloa provided the documents to the morning L-Unit officer on June 3, 2010, and presumed they would be forwarded according to policy. On November 7, 2010, Ulloa received a stamp copy, and letter from the clerk of court. Immediately, thereafter Ulloa filed a BP-8, Informal Resolution to pursue the violation of BOP Policy by USP LOMPOC staff.

BOP POLICY

BOP POLICY STATEMENT §5800.10 Mail Management Manual states: Inmate correspondence shall ordinarily be processed and delivered within 24 hours. Special Mail and/or Legal Mail are afforded priority and every effort shall be made to ensure delivery within 24 hours. Delivery time is essential in the filing of court documents. In the case in chief, after Ulloa provided the special mail to L-Unit officer, somewhere in the mail chain a disruption occurred creating a lapse in the filing of Ulloa's legal mail. Ulloa respectfully files the complaint against officers for delaying the processing of legal mail.

April 20, 2011
DATE

xx [Signature]
SIGNATURE OF REQUESTER

Part B—RESPONSE

RECEIVED

APR 25 2011

Administrative Remedy Section
Federal Bureau of Prisons

DATE

GENERAL COUNSEL

ORIGINAL RETURN TO INMATE

CASE NUMBER: _____

Part C—RECEIPT

CASE NUMBER: _____

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

USP LVN



SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

BP-231(13)
APRIL 1982

EXHIBIT (I)

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: APRIL 29, 2011

FROM: ADMINISTRATIVE REMEDY COORDINATOR
CENTRAL OFFICE

TO : JOSHUA J C ULLOA, 02758-093
LOMPOC FCI UNT: B QTR: K02-011U
3600 GUARD ROAD
LOMPOC, CA 93436

FOR THE REASONS LISTED BELOW, THIS CENTRAL OFFICE APPEAL
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 619699-A1 CENTRAL OFFICE APPEAL
DATE RECEIVED : APRIL 25, 2011
SUBJECT 1 : SPECIAL/LEGAL MAIL
SUBJECT 2 : OTHER COMPLAINT AGAINST STAFF
INCIDENT RPT NO:

REJECT REASON 1: YOU SUBMITTED YOUR REQUEST OR APPEAL TO THE
WRONG LEVEL. YOU SHOULD HAVE FILED AT THE
INSTITUTION, REGIONAL OFFICE, OR CENTRAL
OFFICE LEVEL.

REJECT REASON 2: YOU MAY RESUBMIT YOUR APPEAL IN PROPER FORM WITHIN
15 DAYS OF THE DATE OF THIS REJECTION NOTICE.

REMARKS : YOU MUST COMPLETE THE APPEAL PROCESS AT THE
INSTITUTION LEVEL BEFORE APPEALING TO THE REGION AND
THE CENTRAL OFFICE.

RECEIVED

MAY 3 - 2011

LEGAL DEPARTMENT
FCC LOMPOC

Joshua J.C. Ulloa
Reg No. 02758-093
FCI Yazoo
(Satelite Camp)
P.O. Box 5000
Yazoo City, MS 39194

July 15, 2011.

To: United States District Court of Guam
Attn: Clerk of Court
4th Floor, U.S. Courthouse
520 West Soledad Avenue.
Hagatna, Guam 96910

Re: USA v. Joshua J.C. Ulloa
Civil No. 10-00028; 10-00029

RECEIVED

JUL 26 2011

DISTRICT COURT OF GUAM
HAGATNA, GUAM

Dear Clerk of Court;

Good Morning! I'm corresponding with your office to file the enclosed Reply To Order To Show Cause. I have enclosed (3) copies of the instant motion, and ask that your office please return a filed copy to the address listed above.

If there are any problems please contact me immediately. I thank you in advance for your assistance in respects to this matter.

Cordially,

Joshua J.C. Ulloa.

PLEASE PRESS FIRMLY



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JUL 24 2011

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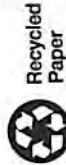
For Domestic and International Use



From
JOSHUA JC WILLOA # 02758-093
REG. NO 02758-093
FEDERAL CORRECTIONAL INSTITUTION
(SATELLITE CAMP)
PO BOX 5000
YAZOO CITY, MS 39194

TO
UNITED STATES DISTRICT COURT OF GUAM
ATTN: CLERK OF COURT
4TH FLOOR, US COURTHOUSE
520 WEST SOLEDAD AVENUE
HAGATNA, GUAM 96910

Label 228, January 2008



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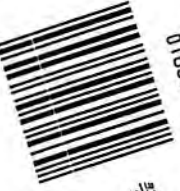
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Joshua J.C. Ulloa #02758-093
Reg. No. 02758-093
Federal Correctional Institution Yazoo
(Satellite Camp)
P.O. Box 5000
Tazoo City, MS 39194

RECEIVED

JUL 26 2011

DISTRICT COURT OF GUAM
HAGATNA, GUAM

L E G A L M A I L

To: United States District Court of Guam
Attn: Clerk of Court
4th Floor, U.S. Courthouse
520 West Soledad Avenue.
Hagatna, Guam 96910